

AMENDED IN SENATE APRIL 25, 2011

AMENDED IN SENATE MARCH 15, 2011

SENATE BILL

No. 250

Introduced by Senator Rubio

February 10, 2011

An act to ~~add Section 21167.11 to~~ amend Section 21086 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 250, as amended, Rubio. Environment quality: CEQA: ~~renewable energy project: exemption:~~ *categorical exemptions: addition and deletion.*

The California Environmental Quality Act requires the Office of Planning and Research to adopt guidelines that include criteria for public agencies to follow in determining whether or not a proposed project may have a significant effect on the environment and a list of classes of projects that are exempted from the act's requirements. The act establishes procedures for the certification and adoption of the guidelines. The act authorizes a public agency to request, in writing, the addition or deletion of a class of projects to the list. The office is required to review each request and, as soon as possible, submit its recommendation to the Secretary of the Natural Resources Agency.

This bill would make technical, nonsubstantive changes to the provision regarding the addition or deletion of a class of projects.

~~(1) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the~~

project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA authorizes an action or proceeding to attack, review, set aside, void, or annul acts or decisions taken by a public agency on the grounds of noncompliance with CEQA.

This bill would provide that a program EIR or a master EIR prepared for the siting or permitting of a renewable energy project that qualifies as an eligible renewable energy resource under the California Renewables Portfolio Standard Program or related transmission projects are not subject to judicial review.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 21086 of the Public Resources Code is
- 2 amended to read:
- 3 21086. (a) A public agency may, at any time, request the
- 4 addition or deletion of a class of projects, to the list designated
- 5 pursuant to Section 21084. That request shall be made in writing
- 6 to the Office of Planning and Research and shall include
- 7 information supporting the public agency's position that the class
- 8 of projects does, or does not, have a significant effect on the
- 9 environment.
- 10 (b) The Office of Planning and Research shall review each
- 11 request and, as soon as possible, shall submit its recommendation
- 12 to the Secretary of the *Natural Resources Agency pursuant to*
- 13 *Sections 21083 and 21084.* Following the receipt of that
- 14 recommendation, the Secretary of the *Natural Resources Agency*
- 15 may add or delete the class of projects to the list of classes of
- 16 projects designated pursuant to Section 21084 that are exempt
- 17 from the requirements of this division.
- 18 (c) The addition or deletion of a class of projects, as provided
- 19 in this section, to the list specified in Section 21084 shall constitute
- 20 an amendment to the guidelines adopted pursuant to Section 21083

1 and shall be adopted in the manner prescribed in Sections 21083
2 and 21084.

3 ~~SECTION 1. Section 21167.11 is added to the Public Resources~~
4 ~~Code, to read:~~

5 ~~21167.11. Notwithstanding other provisions of law, a master~~
6 ~~environmental impact report prepared pursuant to Article 2~~
7 ~~(commencing with Section 21157) or a program environmental~~
8 ~~impact report, as defined in Section 15168 of Title 14 of the~~
9 ~~California Code of Regulations, prepared for the siting and~~
10 ~~permitting of a renewable energy generation facility that qualifies~~
11 ~~as an eligible renewable energy resource pursuant to the California~~
12 ~~Renewables Portfolio Standard Program (Article 16 (commencing~~
13 ~~with Section 399.11) of Chapter 2.5 of Part 1 of Division 1 of the~~
14 ~~Public Utilities Code) or a transmission project related to an eligible~~
15 ~~renewable energy generation facility is not subject to judicial~~
16 ~~review pursuant to this division.~~